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**To:** Microsoft ATR  
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Department of Justice:

In today's economically down-turned climate, I encourage you to conclude the erroneous case against Microsoft. I also ask that you make this letter part of the official court record.

Congressional analysts are predicting an expected \$11.3 billion shortfall in state education budgets in fiscal year 2002. Private gifts could be vital in this dilemma. But indiscriminate acceptance of contributions could have catastrophic consequences, and some philanthropic efforts may actually be wasted or cause inadvertently harm.

As a result of more than 100 class action lawsuits alleging Microsoft overcharged consumers, Microsoft has proposed a 5-year program and education settlement. This agreement with private class action attorneys in which Microsoft will direct over \$1 billion in software, computer equipment, technology training and support to thousands of schools serving America's most disadvantaged children.

It can be correctly argued that lack of technology is not the major problem faced by disadvantaged children. Chester Finn appropriately maintains that the most successful schools that succeed with low-income pupils generally do not surround them with electronics. Instead, he writes in the Wall Street Journal: "they engage knowledgeable and committed teachers to deliver a powerful, coherent, curriculum built on high standards of skills and knowledge."

It is true disadvantaged children may not necessary benefit. I would certainly suggest that both public and private schools be considered in this agreement. I would also advocate that low-income, high performing schools be given greater priority in this proposal. However, the settlement agreement could be a shift with tremendous potential for low-income and minority children.

Technology in the wrong hands could divert children from academic pursuits. However, technology in the right hands could easily narrow the achievement gap. Therefore the risks clearly outweigh the potential for harm. By targeting disadvantaged children, Microsoft's investment could transform the cycle of poverty, as well as empower many of these children.

Two innovative private urban schools in our state: Inner-City Academy and Bethlehem Academy for Boys in Chattanooga are using technology effectively to raise student achievement. Technology is a key ingredient in their successful program, but no more than excellent instruction, excellent textbooks and supplementary library books. The Bethlehem Academy for Boys has successfully incorporated parent involvement in their school using computer training.

Will Microsoft raise its market share in schools and deepen their dependency on their products? Possibly. Yet nothing prevents other Silicon Valley billionaires injecting their vast fortunes into the equation. Apple, AOL Time Warner, Linux, Netscape, Oracle and Sun Microsystems are free to make contributions anytime. In my estimation any donation helps the tech industry in general, and is vital to our economic

future.

Governmental activism put us in this position; do we want more governmental activism to prevent this potential assistance? The answer is a resounding no.

Conventional liberalism of the past must grasp an understanding of civil society and its inherent freedom, as well as seek to rejuvenate admiration for limited government and free-market economy. The values of entrepreneurial capitalism grease the wheels of democracy and we must attach importance to the social and cultural norms that make it possible.

As my dad used to say "no dream comes true until you get up and go to work." Many students are motivated and enjoy using technology in their education experience. Microsoft has enriched the education experience for many children and our work environments are now more productive.

It is also plausible that acceptance of this agreement will allow schools to focus on other areas of need without taking resources away from other academic programs. Granted donations must be considered in coordination with the overall strategic plan and academic needs of individual schools. Partnering with a company such as Microsoft and use of technology certainly has the potential to enhance student performance.

Microsoft has a history of corporate philanthropy both in America and Internationally. Their generosity and technology has helped schools and other organizations improve effectiveness and save needed capital, in fact well over \$6 billion in charitable or corporate contributions were used here in Tennessee for FY 2000. This court case needs immediate closure so we can begin to make dreams come true for children and teachers in the state of Tennessee.

Respectfully Submitted,

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